IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6920 of 2007()

CRIME NO. 93/07 OF KOLATHUR POLICE STATION

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PETITIONER/4TH ACCUSED

SULFIKER ALI, S/O.MOHAMMED,
CHAKKAMBALATH HOUSE, PALOOR NORTH
PULAMANTHOLE P.O., MALAPPURAM DIST.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE KOLATHUR
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6920 of 2007

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Dated this the 14th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under Section 353 I.P.C. The crux of the allegations is that the petitioner, along with the co-accused, obstructed the discharge of public duty by the officials who were engaged in detecting offences under the Protection of River Banks and Regulation of Removal of Sand Act. The car in which the accused persons travelled deliberately come in between a lorry which was involved in the violation of the provisions of the above Act and the vehicle of the officials and permitted the lorry to escape. The first accused was arrested at the spot. Two others have also been arrested. The petitioner has not been apprehended so far. He apprehends imminent arrest.

2. The learned Prosecutor, on instructions, submits that the investigation is already over. Final report has been filed on

31.10.2007. In these circumstances it is for the petitioner to surrender before the learned Magistrate and seek regular bail. There is no justification in the prayer for anticipatory bail, submits the learned Prosecutor.

3. The learned counsel for the petitioner then submits that there may be a direction to the learned Magistrate to consider the application of the petitioner on the date of surrender itself.

4. This application is accordingly dismissed. I may however hasten to observe that if the petitioner appears before the learned Magistrate and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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